

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

Filed in open court
3-31-16
Lynn Pizzi, Deputy Clerk
Roanoke Division, W.D. of VA

UNITED STATES OF AMERICA)

v.)

Case No. 7:15-CR-00090-EKD

ANTHONY D. IAFORNARO)

FACTUAL BASIS

1. If this matter were to go to trial, the United States of America would prove beyond a reasonable doubt with admissible and relevant evidence the following:

2. On February 08, 2005, ANTHONY DEAN IAFORNARO was convicted of Attempted Kidnapping, in the Gallatin County District Court in the state of Montana and sentenced to ten (10) years in Montana State Prison. Based on the conviction, IAFORNARO was required to register as a Sex Offender in the state of Montana. In addition, the conviction requires IAFORNARO to register as a Sex Offender under the Sex Offender Registration and Notification Act (SORNA).

3. On July 3, 2012, IAFORNARO was convicted of Conspiracy to Fail to Register as a Sex Offender, in the Washoe County District Court in the state of Nevada and sentenced to ten (10) months imprisonment.

4. On October 09, 2014, IAFORNARO completed a (SP236), Commonwealth of Virginia, Department of State Police, Sex Offender Registration and Crimes Against Minors Initial Registration Form. The form was completed by Officer Kyle Hughes and was forwarded to the Virginia registry for determination of registration. On October 30, 2014, the Commonwealth of Virginia, Department of State Police Sex Offender Registry mailed a letter to IAFORNARO explaining the requirement to register as a sex offender in Virginia. The letter

was mailed to the last known address of IAFORNARO at 1970 Roanoke Blvd., Salem, VA 24179. The address is within the Western District of Virginia.

5. Between October 09, 2014 and February 18, 2015, Anthony Dean IAFORNARO completed multiple Department of State Police, Sex Offender Registration and Crimes Against Minors Registration Forms. Within the forms the following language is outlined and acknowledged by IAFORNARO: In accordance with subsection 9.1-903 and subsection 9.1-906 of the *Code*, whether classified as a sexually violent offender, sex offender or combination thereof, I hereby certify I have read or have had read to me, understand, and received this notice of my responsibility to re-register with the Department of State Police in the following instances: (1) within **three days** of receiving an additional conviction(s) requiring registration, (2) within **three days** of receiving a suspended sentence(s) for a conviction of a charge listed on the reverse side of this disclosure, (3) within **three days** of change of residence whether within Virginia and **ten days** prior to a move outside the State of Virginia, (4) within **three days** of a change of employment whether within or outside of the State of Virginia, (5) within **three days** from my release from a correctional facility (adult or juvenile) or community supervision, (6) within **three days** if I change my name, (7) within **thirty minutes** if I change my electronic mail address information, my instant message, chat, or other Internet communication name or identity information that I use or intend to use, (8) within **three days** of a change in motor vehicle, watercraft, or aircraft information for any and all vehicles(s) that I own, or (9) within **three days** of a change in school enrollment.

6. On January 7, 2015 a warrant of arrest was obtained for IAFORNARO for Knowingly Failing to Re-Register as a Sex Offender. IAFORNARO was located and arrested on the same date. After the arrest, law enforcement provided IAFORNARO with a Notification of Duty to Register as a Sex Offender form. The form was signed by IAFORNARO and witnessed

by law enforcement. The form provides notification of the Sex Offender Registration and Notification Act, a federal law, and outlines the potential penalty for knowingly failing to register.

7. On March 23, 2015, the Roanoke City General District Court issued a Capias: Attachment of the Body order after IAFORNARO failed to appear in court on March 20, 2015 to answer to the charge of Failure to Register as a Sex Offender. The order specified that the bond for IAFORNARO be revoked, and that IAFORNARO be held without bond until the next court date.

8. On May 20, 2015, law enforcement obtained a Felony Warrant of Arrest for IAFORNARO for Knowingly Failing to Re-Register as a Sex Offender. The warrant was placed on file with the VSP and entered into NCIC with no extradition. The fugitive investigation was referred to the US Marshals Service.

9. On May 21, 2015, a federal investigation was initiated concerning violations of Title 18, U.S.C. 2250 for IAFORNARO. During the investigation, bank transactional records were requested from Wells Fargo for a checking account of IAFORNARO. The records were requested for the period of January 07, 2015 through June 2015. On August 25, 2015, the records were received from Wells Fargo. The records were reviewed and it was determined that on or about March 18, 2015, transactions involving ATM withdrawals and purchases associated with the checking account of IAFORNARO were being conducted outside of the State of Virginia. Additionally, photographs of the transactions at ATM's were obtained and show a subject meeting the description of IAFORNARO within the photographs. The photographs were shown to law enforcement and they were able to confirm the identity of the subject in the photographs as IAFORNARO.

10. Records reflect IAFORNARO checked in the Plaza Hotel & Casino located at 1

Main Street, Las Vegas, NV 89101 from March 18, 2015 through March 19, 2015. The front desk manager checked the hotel computer system and was able to retrieve the information.

11. Additional records reflect IAFORNARO stayed at Cannery Casino and Hotel located at 2121 East Craig Road, North Las Vegas, Nevada, on and off from April 2, 2015 through August 15, 2015. IAFORNARO's Montana driver's license was used as identification with the hotel. *off and on, few days at a time. H*

12. On September 29, 2015, a search of the U.S. Department of Justice, Dru Sjodin National Sex Offender Public Website was conducted to determine if IAFORNARO had registered as a sex offender with a State outside of Virginia. The search resulted in no records for IAFORNARO having register with another State.

13. IAFORNARO is an individual required to register and update a registration under the Sex Offender Registration and Notification Act (SORNA), based upon his conviction of Attempted Kidnapping in the Gallatin County District Court in the state of Montana.

14. IAFORNARO traveled in Interstate Commerce having absconded from the state of Virginia. IAFORNARO left the state of Virginia without providing notification of change of residence to the Virginia State Police within ten (10) days prior to leaving the state. IAFORNARO also failed to change his address within three (3) business days as required by the SORNA.

15. IAFORNARO knowingly failed to register as a sex offender as required by the SORNA, having acknowledged by his signature when executing the required registration documents of the Virginia State Police.

Respectfully submitted,

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SEEN AND AGREED:

Date: 3/2/16

AD Iaf
ANTHONY D. IAFORNARO
Defendant

Date: 3/2/16

Randy Cargill
Randy Cargill, Esq.
Attorney for Defendant